

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) 2:09-CR-113-GMN-PAL
vs.)
) MINUTES OF THE COURT
JOSE LOPEZ-BUELNA,)
et al.,)
) DATED: FEBRUARY 15, 2011
Defendant(s).)

PRESENT:

THE HONORABLE GLORIA M. NAVARRO, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: K. JOHNSON

RECORDER: A. BARENG

COUNSEL FOR PLAINTIFF: MARTY WOELFLE; MARGARET HONRATH

COUNSEL FOR DEFENDANT: GARY MYERS; WILLIAM BROWN; KEVIN KELLY
ROBERT DRASKOVICH; TODD LEVENTHAL

SPANISH INTERPRETERS: GERMAN SANTANILLA; CRISTINA SANCHEZ;
TERI SZUCS

PROCEEDINGS: **JURY TRIAL - DAY TWELVE**

Court convenes at 9:10am. The case is called and appearances are noted for the record.

The defendants are present. Also present in the courtroom are Case Agents Christian Mickelsen (IRS/DEA Task Force) and Gary McCamey (Special Agent FBI). Additionally, Terry Murray (Tech Support) for Government; and Kathy Trout (Paralegal), and Josh Berry (Tech Support), for Defense are also present.

OUTSIDE THE PRESENCE OF THE JURY: Ms. Woelfle advises of her understanding that the Defense has subpoenaed several of the Metro Detectives involved in the investigation and she offers a hearsay objection to their anticipated testimony. Arguments are heard. The Court will allow questioning as to Julie Puffinburger's statements, but not as to Cole Puffinburger's at this point.

The Court then calls for the jury. The jury enters the courtroom at 9:20am. ALL MEMBERS ARE PRESENT.

Special Agent Christian Mickelsen resumes the stand and testimony continues.

The jury is admonished and excused at 10:05am.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Draskovich advises that the Defense doesn't have the Oct. 18 and Oct. 20, 2008 recordings of Cole Puffinburger's statements and requests same from the Government.

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The Court then recesses from 10:10am until 10:20am. Court reconvenes OUTSIDE THE PRESENCE OF THE JURY.

Housekeeping issues are discussed. The Government turns over one of the three recorded statements of Cole Puffinburger. Ms. Woelfle advises that the remaining two statements are being duplicated.

The Court then calls for the jury. The jury enters the courtroom at 10:33am. ALL MEMBERS ARE PRESENT.

Testimony of Special Agent Mickelson concludes.

The Government rests.

The jury is directed to return on Feb. 16, 2011, at 9:00am, then admonished and excused at 10:42am.

OUTSIDE THE PRESENCE OF THE JURY: The Government turns over to the Defense the last two recorded statements of Cole Puffinburger.

On behalf of Erik Webster, Mr. Kelly moves for a Judgment of Acquittal pursuant to Rule 29(a) as to Counts 1, 2 and 6 of the Second Superseding Indictment. Arguments are heard. The Court shares her inclinations then advises that the motion will stand SUBMITTED.

The Court recesses from 11:15am until 1:15pm. The jury having been excused for the day, the Court reconvenes in the presence of counsel.

With respect to Erik Webster's oral Rule 29(a) Motion, **IT IS ORDERED** the Motion for Judgment of Acquittal as to Count 6 is **GRANTED** for the reasons set forth by the Court.

The Rule 29(a) Motion of Erik Webster as to Counts 1 and 2 remains SUBMITTED.

Mr. Draskovich draws the Court's attention to the Motion for Judgment of Acquittal (ECF #272) filed on behalf of Jose Lopez-Buelna and Luis Vega-Rubio. Mr. Draskovich and Mr. Leventhal argue in support of the motion and the Government argues in opposition.

IT IS ORDERED the Motion for Judgment of Acquittal as to Jose Lopez-Buelna and Luis Vega-Rubio (ECF #272) is **DENIED** for the reasons set forth on the record.

On behalf of Roberto Lopez, Mr. Myers moves for a Judgment of Acquittal pursuant to Rule 29(a) as to Counts 1 and 2 of the Second Superseding Indictment. Arguments are heard. The motion stands SUBMITTED.

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Discussion follows as to upcoming witnesses for the Defense and other housekeeping matters.

Government Witnesses:

Christian Mickelsen

Admitted Exhibits:

Court: DD (91-93: *Jury questions of Christian Mickelsen*)

Court Exhibit EE is marked for the record. This exhibit will not be admitted for use by the jury during their deliberations.

IT IS ORDERED trial shall continue on February 16, 2011, at 9:00am.

Court recesses at 2:20pm.

LANCE S. WILSON, CLERK
United States District Court

By: /s/
Deputy Clerk